

WILLIAM R. TAMAYO - #084965 (CA)  
 DAVID OFFEN-BROWN - #063321 (CA)  
 RAYMOND T. CHEUNG - #176086 (CA)  
 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
 San Francisco District Office  
 350 The Embarcadero, Suite 500  
 San Francisco, California 94105-1260  
 Telephone No. (415) 625-5649  
 Facsimile No. (415) 625-5657  
[raymond.cheung@eeoc.gov](mailto:raymond.cheung@eeoc.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY	)	CIVIL ACTION NO.
COMMISSION,		
Plaintiff,		
v.	)	COMPLAINT
	)	Civil Rights
	)	– Employment Discrimination
	)	– Class Action
	)	
AMELCO ELECTRIC SAN FRANCISCO	)	<b>JURY TRIAL DEMAND</b>
AND AMELCO CORPORATION,		
Defendant.		

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, race and national origin, and to provide appropriate relief to Susanna Ortiz and similarly situated individuals who were adversely affected by such practices. As alleged below, defendants, Amelco Electric San Francisco and Amelco Corporation subjected Ms. Ortiz and others to a hostile work environment because of their sex, race and/or national origin. Defendants also subjected Ms. Ortiz and the class of similarly situated individual to disparate treatment and/or termination because of their sex, race and/or national origin.

COMPLAINT

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §§2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within San Francisco County which is within the jurisdiction of the United States District Court for the Northern District of California.

INTRADISTRICT ASSIGNMENT

3. This case is appropriate for assignment to San Francisco because the unlawful employment practices alleged were committed within San Francisco County.

PARTIES

4. Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

5. At all relevant times, Defendant, Amelco Electric San Francisco, has continuously been doing business in the State of California and the City and County of San Francisco and has continuously had at least fifteen employees.

6. At all relevant times, Defendant, Amelco Corporation, has continuously been doing business in the State of California and the City and County of San Francisco and has continuously had at least fifteen employees.

7. At all relevant times, Amelco Electric San Francisco and Amelco Corporation (“Defendant Employers”) have continuously been employers engaged in an industry affecting commerce within the meaning of section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b), (g), and (h).

///

///

COMPLAINT

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Susanna Ortiz filed a charge of discrimination with the EEOC alleging violations of Title VII by Defendant Employers. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least January 2002, Defendant Employers have engaged in unlawful practices at their San Francisco, California work site in violation of section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a). These practices include subjecting Ms. Ortiz and other similarly situated employees to harassment and to an offensive, abusive, intimidating and hostile work environment based on their sex, race and/or national origin. Defendants also subjected Ms. Ortiz and the class of similarly situated individual to disparate treatment and/or termination because of their sex, race and/or national origin.

10. The effect of the practices complained of above has been to deprive Susanna Ortiz and others of equal employment opportunities and otherwise to adversely affect their status as employees because of their sex, race and/or national origin.

11. The unlawful employment practices complained of above were intentional.

12. The unlawful employment practices complained of above were done with malice and/or reckless indifference to the federally protected rights of Susanna Ortiz and other similarly situated individuals.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in harassment and retaliation, and any other employment practice which discriminates on the basis of sex, race or national origin.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for racial and ethnic minority and/or female employees and which eradicate the effects of their past and present unlawful employment practices.

COMPLAINT

1 C. Order Defendant Employers to make whole Susanna Ortiz and other similarly  
 2 situated individuals, by providing appropriate backpay with prejudgment interest, in amounts to  
 3 be determined at trial, and other affirmative relief necessary to eradicate the effects of its  
 4 unlawful employment practices, including but not limited to interest.

5 D. Order Defendant Employers to make whole Susanna Ortiz and other similarly  
 6 situated individuals by providing compensation for past and future pecuniary losses resulting  
 7 from the unlawful employment practices described above, with interest, in amounts to be  
 8 determined at trial.

9 E. Order Defendant Employers to make whole Susanna Ortiz and other similarly  
 10 situated individuals by providing compensation for past and future non-pecuniary losses caused  
 11 by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss  
 12 of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

13 F. Order Defendant Employers to pay Susanna Ortiz and other similarly situated  
 14 individuals punitive damages for its malicious and reckless conduct described above, in amounts  
 15 to be determined at trial.

16 G. Grant such further relief as the Court deems proper.

17 H. Award the Commission its costs in this action.

18 JURY TRIAL DEMAND

19 The Commission requests a jury trial on all questions of fact raised by its complaint.  
 20

21 Respectfully submitted,  
 22

23 JAMES L. LEE  
 24 DEPUTY GENERAL COUNSEL

25 GWENDOLYN YOUNG REAMS  
 26 ASSOCIATE GENERAL COUNSEL

27 EQUAL EMPLOYMENT OPPORTUNITY  
 28 COMMISSION

1801 L Street, N.W.  
 Washington, DC 20507

Dated: \_\_\_\_\_  
WILLIAM R. TAMAYO  
Regional Attorney

Dated: \_\_\_\_\_  
DAVID OFFEN-BROWN  
Supervisory Trial Attorney

Dated: \_\_\_\_\_  
RAYMOND T. CHEUNG  
Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
San Francisco District Office  
350 The Embarcadero, Suite 500  
San Francisco, California 94105-1260

COMPLAINT